



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 4392-99

6 October 1999

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 21 October 1969 for four years. The record reflects that you were advanced to RMSN (E-3) and served without incident until 9 December 1970 when you received nonjudicial punishment (NJP) for a nine hour period of unauthorized absence. Thereafter, you were advanced to RM3 (E-4), served without further incident, were honorably released from active duty on 16 October 1973, and transferred to the Naval Reserve. You were honorably discharged upon completion of your military obligation on 20 October 1975.

The Navy and Marine Corps Awards Manual provides binding guidance concerning awards and medals available to individuals and units in the Naval Service. The Good Conduct Medal was established to recognize service in the Navy which is above average in conduct and proficiency. Eligibility for the Good Conduct Medal requires four years of continuous active service unblemished by convictions by court-martial, nonjudicial punishment, sick-

misconduct, or civil convictions for offenses involving moral turpitude.

The Board noted that since you received a nonjudicial punishment during your four year enlistment, you were ineligible for the Good Conduct Medal. A new four-year eligibility period for the Good Conduct Medal commenced on the date of the NJP. In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director